

REMARKS

The Office Action mailed December 30, 2004 has been received and reviewed. Claims 19-24 and 28-41 are in the case. Claim 40 stands rejected under 35 U.S.C. §112, second paragraph. Claims 40 and 41 stand rejected under 35 U.S.C. §102(b). Claims 19-24 and 28-39 have been allowed.

For the reasons set forth below, claims 40 and 41 are believed to be in condition for immediate allowance. Favorable reconsideration of the application in view of the following remarks, is therefore respectfully requested.

Rejection of Claim 40 Under 35 U.S.C. §112, second paragraph

Claim 40 stands rejected under 35 U.S.C. §112, second paragraph, for failure to particularly point out and distinctly claims what Applicant regards as the invention. Specifically, "the first stud" and "the second stud" lack proper antecedent basis. By this paper, claim 40 has been amended to avoid this rejection. Reconsideration is respectfully requested.

Rejection of Claims 40 and 41 Under 35 U.S.C. §102(b)

Claims 40 and 41 stand rejected under 35 U.S.C. §102(b) as being anticipated by Liem. For a prior art reference to anticipate, every element of the claimed invention must be identically disclosed in a single prior art reference. Moreover, those elements must be arranged or connected together in a single reference in the same way as specified in the patent claim. Liem does not meet this test.

With respect to claims 40 and 41, a rejection of anticipation is improper because Liem fails to disclose all of the claim limitations recited by Applicant. Specifically, Liem does not

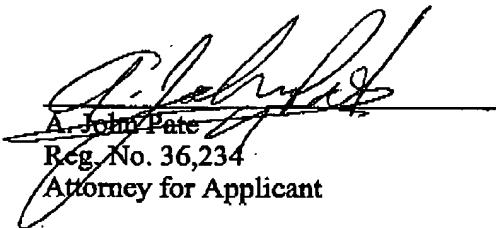
disclose tightening a fastener on a tie rod to load first and second flanges in tension, as required by claims 40 and 41. Tightening nut 54 on anchor bolt 50, as disclosed by Liem, will not load top plates 40 or sidewalls 30 in tension.

Tensile loading by tightening nut 54 is precluded by the close abutment between footing 1 and bottom plate 20. Tightening nut 54 on anchor bolt 50 cannot deflect bottom plate 20 to the point where tops plates 40 or sidewalls 30 are loaded in tension. All tightening nut 54 on anchor bolt 50 will accomplish is the compression of bottom plate 20. Accordingly, Liem cannot anticipate Applicant's claims 40 and 41. Reconsideration is respectfully requested.

In the event that the examiner finds any remaining impediment to the prompt allowance of any of these claims, which could be clarified in a telephone conference, the examiner is respectfully urged to initiate the same with the undersigned.

DATED this 16<sup>th</sup> day of February, 2005.

Respectfully submitted,



A. John Pate  
Reg. No. 36,234  
Attorney for Applicant

Date: February 16, 2005

PATE PIERCE & BAIRD  
550 Parkside Tower  
215 South State Street  
Salt Lake City, Utah 84111  
Telephone: (801) 530-0330  
Facsimile: (801) 530-5955

Z:\ALL CLIENTS\2863\Commins\2863-2-2-1\2863-2-2-1.PAT-FIL-ROA2.wpd